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Honolulu, Hawaii

### MAR 2 2 2019

RE: H.B. No. 1383

H.D. 2 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2019 State of Hawaii

#### Sir:

Your Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 1383, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MARIJUANA,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Decriminalize the possession of three grams or less of marijuana and establish that the possession is an infraction punishable by a monetary fine of \$200;
- (2) Provide for the dismissal of criminal charges, and expungement of criminal records, pertaining solely to the possession of three grams or less of marijuana; and
- (3) Establish a marijuana evaluation task force to make recommendations on changing marijuana use penalties and outcomes in the State.

Your Committees received testimony in support of this measure from Americans for Democratic Action, Community Alliance on Prisons, IMUAlliance, Drug Policy Forum of Hawai'i, Pono Hawai'i Initiative, American Civil Liberties Union of Hawai'i, Marijuana Policy Project, Hawai'i Health and Harm Reduction Center, and

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forty-five individuals. Your Committees received testimony in opposition to this measure from the Department of the Attorney General, Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, Maui Police Department, Kaua'i Police Department, Hawai'i County Police Department, Honolulu Police Department, Hawaii Family Forum, and sixteen individuals. Your Committees received comments on this measure from the Judiciary, Akamai Cannabis Clinic, National Organization for the Reform of Marijuana Laws, and Maui Chamber of Commerce.

Your Committees find that ten states and the District of Columbia have legalized the recreational use of marijuana by adults, and that others are in the process of considering legalization. Your Committees further find that legalization in these states has avoided the criminalization of thousands of people, reduced opioid overdose deaths and untreated opioid use disorders, and lowered the number of arrests for driving under the influence of alcohol and other drugs. Your Committees additionally find that recent polling indicates broad public support in Hawaii for the legalization of marijuana. This measure decriminalizes the possession of small amounts of marijuana and establishes a task force to make recommendations on marijuana policy for consideration in future sessions of the Legislature.

Your Committees have amended this measure by:

- (1) Making possession of three grams or less of marijuana a violation punishable by a monetary fine of \$30;
- (2) Removing language establishing an adjudication process for the dismissal of criminal charges for marijuana infractions:
- (3) Changing the effective date to February 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1383,





H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1383, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs,

CLARENCE K. NISHIHARA, Chair

KARL RHOADS, Chair

## The Senate Thirtieth Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:				
HB1383, HD2	JDC/PSM, WAM 3/19/19							
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
RHOADS, Karl (C)		<u></u>						
WAKAI, Glenn (VC)				e i	~			
GABBARD, Mike								
KIM, Donna Mercado								
FEVELLA, Kurt					~			
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TOTAL		3	_	_	2			
Recommendation:  Adopted Not Adopted								
Chair's er Designee's Signature:								
Karaly H Bik								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

\*Only one measure per Record of Votes

## The Senate Thirtieth Legislature State of Hawai'i

# Record of Votes Committee on Public Safety, Intergovernmental, and Military Affairs PSM

Bill / Resolution No.:*	Committee Referral: Date: 2			1/16					
HB1383 HD2	JOCIPSM, WAM 3/11/19								
The Committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:									
The Recommendation is:									
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313									
Members		Aye	Aye (WR)	Nay	Excused				
NISHIHARA, Clarence K. (C)	,	<b>V</b> //							
WAKAI, Glenn (VC)		V/							
BAKER, Rosalyn H.		<b>V</b>							
HARIMOTO, Breene					V /				
FEVELLA, Kurt					V				
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TOTAL		3)	Ø	Ø	2				
Recommendation:  Adopted  Not Adopted									
Chair's or Designee's Signature:									
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clery's Office Drafting Agency Committee File Copy									

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